

# Text of Emergency Regulations

## Title 11, Division 5

### Chapter 4. Evidence of Residency Documentation Documentation Requirements for Firearms and Ammunition Eligibility Checks

#### Article 1. Evidence of Residency Documentation

##### § 4045. Definitions and Requirements

#### Article 2. Additional Documentation Requirements

##### § 4045.1. Additional Documentation Requirements for Eligibility Checks with Federal Non-Compliant California Driver License or Identification Card.

This section applies to all firearms and ammunition eligibility checks, including any eligibility check described in Division 5. For the purposes of this section, “eligibility checks” refers to background checks based on any application or report for which an applicant is required to submit a driver license or identification card, or the number from a driver license or identification card, so that the Department of Justice may determine the applicant’s eligibility to possess a firearm or ammunition under state or federal law.

- (a) For all eligibility checks, a copy of the applicant’s California driver license or identification card, or out-of-state driver license, if applicable, shall be submitted, as specified in subdivisions (d) through (g).
- (b) For all eligibility checks, if the applicant presents a federal non-compliant California driver license or identification card with the notation “FEDERAL LIMITS APPLY” on the front, the applicant shall also submit proof of lawful presence in the United States, as specified in subdivisions (d) through (g), in the form of one of the following documents:
  - (1) Valid, unexpired U.S. passport or passport card.
  - (2) Certified copy of U.S. birth certificate.
  - (3) U.S. Certificate or Consular Report of Birth Abroad of a U.S. Citizen.
  - (4) Valid, unexpired foreign passport with valid U.S. immigrant visa and approved Record of Arrival/Departure (I-94) form.
  - (5) Certified copy of birth certificate from a U.S. Territory.
  - (6) Certificate of Naturalization or U.S. Citizenship.
  - (7) Valid, unexpired Permanent Resident Card.

(c) For all eligibility checks, if the applicant's name as it appears on the federal non-compliant California driver license or identification card differs from the name on the proof of lawful presence document submitted in accordance with subdivision (b), the applicant shall also submit, as specified in subdivisions (d) through (g), one of the following certified documents:

- (1) An adoption document that contains the legal name of the applicant as a result of the adoption.
- (2) A name change document that contains the applicant's legal name both before and, as a result of, the name change.
- (3) A marriage certificate.
- (4) A dissolution of marriage document that contains the legal name of the applicant as a result of the court action.
- (5) A certificate, declaration or registration document verifying the formation of a domestic partnership.
- (6) A dissolution of domestic partnership document that contains the legal name of the applicant as a result of the court action.

(d) Applications or reports submitted in a paper format.

For eligibility checks based on an application or report submitted to the Department of Justice in a paper format, the documents required in subdivisions (a) through (c) shall be submitted along with the paper application. These applications and reports include:

- (1) Certificate of Eligibility applications, pursuant to Penal Code section 26710.
- (2) Firearm Ownership Reports, including the reports listed in section 4002 of Chapter 1 of this Division 5 and amended for purposes of this division as follows:
  - A. New Resident Report of Firearm Ownership, form BOF 4010A (Rev. 07/2017 05/2019), hereby incorporated by reference, pursuant to Penal Code section 27560.
  - B. Firearm Ownership Report, form BOF 4542A (Rev. 07/2017 05/2019), hereby incorporated by reference, pursuant to Penal Code section 28000.
  - C. Curio or Relic Firearm Report, form BOF 4100A (Rev. 07/2017 05/2019), hereby incorporated by reference, pursuant to Penal Code section 27565.
  - D. Collector In-State Acquisition of Curio or Relic Long Gun Report, form BOF 961 (Rev. 07/2017 05/2019), hereby incorporated by reference, pursuant to Penal Code section 27966.
  - E. Report of Operation of Law or Intra-Familial Transaction, form BOF 4544A (Rev. 07/2017 05/2019), hereby incorporated by reference, pursuant to Penal Code sections 27875 and 27920.

(3) The application forms referenced in section 4142 of Chapter 7 of this Division 5 and amended for purposes of this division as follows: Dangerous Weapons License/Permit(s) Application, form BOF 030 (Rev. 01/2012 05/2019), hereby incorporated by reference, or Dangerous Weapons License/Permit(s) Renewal Application, form BOF 031 (Rev. 01/2012 05/2019), hereby incorporated by reference. These forms include options to apply for the following licenses/permits:

- A. Assault Weapon/.50 BMG Rifle Permit, pursuant to Penal Code sections 31000 and 31005.
- B. Short-Barreled Shotgun/Rifle Permit, pursuant to Penal Code sections 33300 and 33305.
- C. Destructive Device Permit, pursuant to Penal Code sections 18900 and 18905.
- D. Machinegun Permit, pursuant to Penal Code sections 32650 and 32655.
- E. Machinegun License, pursuant to Penal Code sections 32700 - 32715.

(e) Applications or reports submitted electronically via the California Firearms Application Reporting System (CFARS).

For eligibility checks based on an application or report submitted to the Department of Justice electronically via CFARS, the documents required in subdivisions (a) through (c) shall be uploaded to CFARS as prompted during the application or reporting process. These applications and reports include:

(1) Certificate of Eligibility applications, pursuant to Penal Code section 26710 and Chapter 3 of this Division 5.

(2) Unique Serial Number Applications, pursuant to Penal Code section 29182 and Chapter 41 of this Division 5.

(3) Firearm Ownership Reports, including:

- A. New Resident Report of Firearm Ownership, pursuant to Penal Code section 27560.
- B. Firearm Ownership Report, pursuant to Penal Code section 28000.
- C. Curio or Relic Firearm Report, pursuant to Penal Code section 27565.
- D. Collector In-State Acquisition of Curio or Relic Long Gun Report, form pursuant to Penal Code section 27966.
- E. Report of Operation of Law or Intra-Familial Transaction, pursuant to Penal Code sections 27875 and 27920.

(f) Applications or reports submitted electronically via the Dealer Record of Sale Entry System (DES), including applications or reports submitted pursuant to Chapters 8 and 11 of this Division 5.

For eligibility checks based on applications or reports submitted to the Department of Justice electronically via the DES, the firearm dealer or ammunition vendor shall examine the applicant's driver license or identification card. If the applicant's California

driver license or identification card is federal non-compliant with the notation "FEDERAL LIMITS APPLY" on the front, the firearm dealer or ammunition vendor shall require the applicant to submit a copy of the document required in subdivision (b), as well as a copy of the document required in subdivision (c) if applicable. These applications and reports include:

- (1) Application(s) to purchase a firearm. The firearm dealer shall confirm compliance with this subdivision on DES, as necessary during the application or reporting process. The firearm dealer shall keep a copy of the document(s) required in subdivisions (a) through (c) as part of the permanent record of the transaction described in Penal Code section 28215, subdivision (c).
- (2) Applications to purchase ammunition, as described in Penal Code section 30370. The firearm dealer or ammunition vendor shall confirm compliance with this subdivision on DES, as necessary during the application or reporting process. The firearm dealer or ammunition vendor shall keep a copy of the document(s) required in subdivisions (a) through (c).

(g) Applications or reports submitted to other agencies that include fingerprint data to be used by the Department of Justice to determine the applicant's eligibility to possess a firearm or ammunition under state or federal law.

For eligibility checks based on applications or reports submitted to other agencies that include fingerprint data to be used by the Department of Justice to determine the applicant's eligibility to possess a firearm or ammunition under state or federal law, if the applicant presents a federal non-compliant California driver license or identification card with the notation "FEDERAL LIMITS APPLY" on the front, the agency shall require the applicant to submit the documents required in subdivision (b), as well as the document required in subdivision (c) if applicable. The agency shall keep a copy of the documents required in subdivisions (a) through (c) as part of the permanent record of the application. The Department of Justice may request a copy of the document(s) at a future date.

Applicants of these applications and reports include:

- (1) Peace officer applicants, custodial officers, or transportation officers, pursuant to Penal Code section 832.15.
- (2) Peace officers, pursuant to Penal Code section 832.16.
- (3) Applicants for admission to a basic course of training certified by the Commission on Peace Officer Standards and Training that includes the carrying and use of firearms, pursuant to Penal Code section 13511.5.
- (4) Applicants for an explosives permit, pursuant to Health & Safety Code section 12101.

Note: Authority cited: Sections 28060, 28100, 28155, 28215, and 28220, Penal Code.

Reference: Sections 832.15, 832.16, 13511.5, 16400, 18900, 18905, 23000, 26150, 26155, 26170, 26710, 26815, 27540, 27560, 27565, 27875, 27920, 27966, 28000, 28160, 28215, 28220, 28250, 29182, 29500, 30105, 30370, 31000, 31005, 32650, 32655, 32700, 32705, 32710, 32715,

33300, 33305, and 33850, Penal Code; Section 12101, Health & Safety Code; Sections 922(d) and (g), Title 18, United States Code; and Title 27, Part 178.32, Code of Federal Regulations.